PRESERVED

PRESERVED

App. F. IX-4

File No. 210-36

Previous References

Serial Nos. 1-2

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for July 1937

SUBJECT.

Amendment to rule 24 of order XVI of the Code of Civil Procedure

Govt of Sind No. 220 dt 13-7-37 Govt Regn Hdt

WD 0418—GPB—22,500—20-8-36

Secunderabad

M Jyengar
16/7/37

Serial No.

R

From
The Registrar High Court
Rec No 1057/36-37 dt 16. 6. 1937.

Requesting sanction to make certain amendment to Rule 2(1) of Order XVI of the Code of Civil Procedure so as to bring it into line with the rule already in force that the batta should be deposited with the witness bill

A printed copy of the Report of the Mysore Laws' Delays Committee is submitted herewith for reference.

It is stated that the proposed amendment has been considered by the Rule Committee who support it and that it was published in the Gazette and no objection or suggestion has been received.

A draft of a G.O. sanctioning is submitted herewith for approval or other orders.

CPM 9/7 (a) The proposed Rule is in conformity with Rules 144 & 155 framed in Civil Rules of practice & circular orders Vol I 50-51. The existing Rule 2 of

WD 03594—GPB—30,000—13-7-35

Amendment to Rule 2(1) of order XVI of C.P.C. 1908

2

No. File No. of 1936. | General and Revenue Secretariat

O 16 R 2 is inconsistent with the rule mentioned above. This amendment is therefore necessary. This will also avoid delay in depositing batta amounts. Taking advantage of the wording of O 16 R 2 of C.P.C. parties have been depositing batta long after filing the witness list. The new rule will put an end to this delay and may be sanctioned

Chief Secy) For appl.

(2nd member)

MMS 6.7.37

9.7.37

Secy

Govt P 2-2 dy 13-7-37 sanctioned

B 15/7/37

FINANCE 7 JULY 1937 No. 91

In 210-36- 1046 p 850

R. O. C. No. 1057/36-37
~~D. Dis.~~
encl (one)

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 16th June *1937*

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

Pro Por
441
17/6

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

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Hop R

SIR,

With reference to paragraphs 78, 79, 80, 81, 83 and 86 of the report of the Mysore Laws' Delays' Committee, I am directed to state that the High Court proposes to make the amendment set out in the appendix to this letter to Rule 2(1) of Order XVI of the Code of Civil Procedure so as to bring it into line with the rule already in force that batta should be deposited with the witness list. It would be unfair to prevent a party examining a witness he had, brought or who was present in Court, because that witness had not been summoned or his name had not been included in a witness list, and it does not appear to be necessary to insist upon the special permission of the Court being obtained for examining him. The proposed amendment has been considered by the Rule Committee who support it. It was published in the Mysore Gazette dated the 4th March 1937 in accordance with Section 122 of the Code; but no objection nor suggestion has been received. I am to request that the Government may be pleased to accord sanction to the proposed amendment under Section 126 of the Code.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
Registrar.

MRM

2

APPENDIX.

Delete the words - "and within a period to be fixed" occurring in line 2 of Rule 2(1) of Order XVI of the Code of Civil Procedure.

The rule after amendment will read thus:-

"The party applying for a summons shall, before the summons is granted, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

J. Iranicuga

Registrar.

VJC

G. R. S. App. F VI—G 2]

Writers Draft 1577

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SUBJECT .....

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Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Section 4-0

File No. 210-36

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 13-7-193 7

Signed by Sm. A.S.R.

Read–

Letter No Roc 1057/36-37 dt 16.6.1937 from the Registrar High Court stating that the High Court proposes to make the amendment as detailed in the appended Statement ~~Order thereon.—No.~~ to Rule 2(i) of Order XVI of the Code of Civil Procedure so as to bring it into line with the rule already in force that batta should be deposited with the Witness list and requesting sanction to the proposed

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Draft 12 27/7 Revd

Amendment referred to above.

Order P 220/Secn 1. 29

Sanctioned

Chief Secretary to Govt

To

The Registrar High Court

TB

List of Enclosure

Copied by

Examined by

WD 03602—GPB—22,500—12-7-35

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No. Roc. 1057/36-37, dated 16th June 1937 from the Registrar, High Court stating that the High Court proposes to make the amendment as detailed in the appended statement to Rule 2(i) of Order XVI of the Code of Civil Procedure so as to bring it into line with the rule already in force that batta should be deposited with the witness list and requesting sanction to the proposed amendment referred to above.

Order No. P 220 CS-210-36-2

Bangalore, dated the 12th July 1937.

S a n c t i o n e d.

Chief Secretary to Government.

To

The Registrar, High Court of Mysore.

TRM.2